

Article 2: Health Regulated Businesses and Activities

Division 7: Animals and Poultry

§42.0701 through §42.0705 [No Change]

§42.0708 Fowl, Rabbits, Racing and Homing Pigeons and Fancy Pigeon Regulated

Health Regulated Businesses shall include the keeping or maintenance of more than:

- (a) twenty-five (25) fowl and rabbits; or
- (b) 100 racing or homing or fancy pigeons; or
- (c) any combination of (a) and (b) which exceeds 100.

§42.0709 Fowl, Rabbits, Racing or Homing Pigeons or Fancy Pigeons, Maintenance—Regulations and Exceptions

- (a) No fowl or rabbits shall be kept or maintained within fifty (50) feet of any building used for residential purposes, except as may be permitted in §42.0709(e).
- (b) All food for fowl, rabbits or racing or homing or fancy pigeons shall be stored in containers which offer protection against rodents as required in this Chapter.
- (c) All fowl, rabbit or racing or homing or fancy pigeon droppings and food scraps shall be removed from the premises at least once a week or more frequently if, in the opinion of the Director of Public Health, it is necessary to prevent an unsanitary condition.
- (d) No person shall keep or maintain in a residential zone more than:
 - (1) Twenty-five (25) fowl and rabbits; or
 - (2) One hundred (100) racing or homing or fancy pigeons; or
 - (3) Any combination of (1) and (2) which exceeds 100.
- (e) Keeping and maintaining chickens located on a premises zoned for a single dwelling unit, developed with a single dwelling unit, developed with a community garden in accordance with Section 141.0203, or developed with a retail farm in accordance with Section 141.0505 is subject to the following requirements, except that section 42.0709(e) shall not apply to single dwelling units located in agriculture base zones.

- (1) No rooster shall be permitted on the premises.

- (2) The number of chickens permitted and the location of the chicken coop are as follows:

 - (A) Up to five (5) chickens may be kept on a premises, provided that the coop is located outside of all required setbacks;
 - (B) Up to fifteen (15) chickens may be kept on a premises, provided that the coop is located outside of all required setbacks or 15 feet from the property line, whichever is greater; and
 - (C) Up to twenty-five (25) chickens may be kept on a premises, provided that the coop and the enclosure are a minimum of 50 feet from any structure used for residential purposes.
- (3) All chickens shall be housed in coop that is designed to be:

 - (A) Predator proof;
 - (B) Thoroughly ventilated;
 - (C) Easily accessed and cleaned; and
 - (D) Of sufficient size to permit free movement of the chickens.
- (4) Direct access from the coop to an outdoor enclosure shall be provided with the outdoor enclosure designed to be:

 - (A) Predator proof;
 - (B) Easily accessed and cleaned;
 - (C) Fenced to contain the fowl; and
 - (D) A minimum of ten (10) square feet of ground area per chicken.
- (e) Nothing contained in this section shall be deemed or construed to prohibit the keeping of fowl, rabbits or racing or homing or fancy pigeons:

 - (1) In a coop, box or run located and kept within a schoolhouse, museum or zoo for the purpose of study or observation;
 - (2) In a coop, box or run located and kept within a physician's office or laboratory, for medical research, medical treatment or scientific purposes;
 - (3) On premises zoned for ~~A1-1, A1-5, A1-10, M1-A, M1, M2-A and M2~~AG-1-1, AG-1-2, AR-1-1, AR-1-2, IL-3-1, and IH-2-1;

- (4) On premises where the fowl, rabbits or racing or homing or fancy pigeons are sold in the ordinary and customary course of business, and are not raised, bred or grown on such premises.

§42.0711 through §42.0713 [No Change]